

## Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
ICA-11 OMB-01 TRSE-00 /072 W  
-----000537 200918Z /10

R 200825Z JUN 78  
FM AMEMBASSY BANGKOK  
TO SECSTATE WASHDC 6523  
AMEMBASSY JAKARTA  
AMEMBASSY KUALA LUMPUR  
AMEMBASSY MANILA  
AMEMBASSY SINGAPORE  
CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 BANGKOK 17629

CINCPAC FOR POLAD

EO 11652: GDS  
TAGS: PINT, TH  
SUBJ: FIRST DRAFT OF THAI CONSTITUTION APPROVED BY CON-  
STITUTION DRAFTING COMMITTEE

SUMMARY: CONSTITUTION DRAFTING COMMITTEE HAS APPROVED DRAFT  
CONSTITUTION, AND TEXT IS EXPECTED TO BE PUBLISHED SHORTLY.  
NATIONAL LEGISLATIVE ASSEMBLY WILL CONSIDER DRAFT AND IS  
EMPOWERED TO MAKE MAJOR CHANGES IN IT, IN DEBATE WHICH MAY  
LAST FOUR MONTHS. MUCH OF DRAFT IS IDENTICAL WITH DEMOCRATIC  
CONSTITUTION OF 1974. HOWEVER SIGNIFICANT DIFFERENCES REFLECT  
CONSCIOUS EFFORT A) TO IMPROVE PARTY DISCIPLINE, B) LIMIT  
NUMBER OF PARTIES C) TO MAKE IT MORE DIFFICULT TO PASS MOTIONS  
OF NO CONFIDENCE IN CABINET THROUGH REQUIRING JOINT SITTINGS  
OF ELECTED HOUSE OF REPS WITH APPOINTIVE SENATE, AND D) TO  
ELIMINATE VOTE TO INVEST CABINET ONCE FORMED. WHEN DRAFT IS  
PUBLISHED, ELECTION CAMPAIGN IN FACT WILL HAVE BEGUN. END SUMMARY

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1. CONSTITUTION DRAFTING COMMITTEE APPROVED DRAFT CONSTI-  
TUION JUNE 8 AND HAS FORWARDED TEXT TO NATIONAL LEG ASSEMBLY  
FOR APPROVAL. TEXT OF DRAFT IS EXPECTED TO BE MADE PUBLIC IN  
NEXT FEW DAYS. PEXT STEP IS FOR NATIONAL LEG ASSEMBLY TO TAKE  
UP CONSIDERATION OF DRAFT. GENERAL EXPECTATION IS THAT PROCESS  
OF APPROVING DRAFT CONSTITUTION WILL BE LENGTHY, WITH PRED-  
DICTIONS OF FOUR TO SIX MONTHS COMMONLY HEARD FOR PERIOD

BEFORE CONSTITUTION ENTERS INTO EFFECT.

2. EMB HAS OBTAINED A COPY OF THE DRAFT CONSTITUTION AND IS  
POUCHING UNOFFICIAL EMBASSY TRANSLATION TO EA/TIMBS.

3. IN GENERAL, DRAFT CONSTITUTION CLOSELY RESEMBLES DEMOCRATIC  
CONSTITUTION OF 1974, WHICH PROVIDED FOR OPEN POLITICAL  
SYSTEM BASED ON BICAMERAL, PARLIAMENTARY FORM OF GOVT, WITH  
CABINET RESPONSIBLE TO PARLIAMENT AND WITH BROAD GUARANTEES  
OF INDIVIDUAL POLITICAL, ECONOMIC, AND SOCIAL RIGHTS. WHILE  
SECTIONS OF 1974 CONSTITUTION HAVE BEEN TAKEN OVER INTO NEW  
DRAFT CONSTITUTION WITHOUT CHANGE IN LANGUAGE. DRAFT CON-  
STITUTION IS SOMEWHAT ABRIDGED; IT HAS 191 SECTIONS, AS  
AGAINST 238 SECTIONS IN 1974 DOCUMENT. THERE ARE SIGNIFICANT  
DIFFERENCES IN THE DRAFT CONSTITUTION AS COMPARED WITH THE  
1974 CONSTITUTION:

A) INDIVIDUAL SENATORS AND MEMBERS OF HOUSE OF REPS (MP'S)  
CAN BE DISMISSED FROM OFFICE BY PASSAGE OF A RESOLUTION  
BY THREE FOURTHS OF THE MEMBERS PRESENT AND VOTING IN EACH  
HOUSE. THIS IS A CLEAR EFFORT TO IMPROVE PARTY DISCIPLINE,  
A SERIOUS FAULT IN THE PARLIAMENTS FREELY ELECTED IN 1975  
AND 76.

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INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
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C O N F I D E N T I A L SECTION 2 OF 2 BANGKOK 17629

CINCPAC FOR POLAD

B) CANDIDATES FOR HOUSE OF REPS MUST BELONG TO POLITICAL

PARTIES THAT PRESENT CANDIDATES FOR HALF OF THE SEATS UP FOR ELECTIN. THIS IS A CLEAR EFFORT TO LIMITE THE NUMBER OF POLITICAL PARTIES, THE LARGE NUMBERS OF WHICH IN 1975 AND 76 PARLIAMENTS CONTRIBUTED TO POLITICAL INSTABILITY.

C) SENATORS WILL TOTAL THREE-FOURTHS OF THE MEMBERSHIP OF THE HOUSE OF REPS (SIZE OF THE LATTER STILL TO BE DETERMINED). THEY WILL BE APPOINTED BY THE KING, ON THE ADVISE OF THE CHAIRMAN OF THE NATIONAL POLICY COUNCIL, RETIRED ADM SA-NGAT. THIS PROPOSAL HAS ALREADY ATTRACTED SOME CRITICISM FROM SUPPORTERS OF PM KRIANGSAK, AS IT IS BEING READ AS A VEHICLE FOR ADVANCING THE PUTATIVE POLITICAL AMBTITIONS OF SA-NGAT AT THE EXPENSE OF KRIANGSAK. FOR AN INITIAL PERIOD OF FOUR YEARS AFTER APPROVAL OF THE CONSTITUTION, THE DRAFT PROVIDES THAT THE SENATRE AND HOUSE WILL MEET JOINTLY TO CONSIDER APPROPRIATIONS BILLS, FOR GENERAL DEBATE, AND FOR VOTES ON MOTIONS OF NO CONFIDENCE. THIS WOULD GREATLY STRENGTHEN CONFIDENTIAL

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THE ABILITY OF THE GOVT TO WITHSTAND MOTIONS OF NO-CONFIDENCE WHICH WERE HIGHLY DE-STABILIZING DURIN THE PERIOD OF THE "DEMOCRATIC EXPERIEMTN." TO BRING DOWN THE GOT, IT WOULD BE NECESSARY TO ASSEMBLY A MAJORITY OF THE ELECTED HOUSE OF REPS AS WELL AS NEARLY HALF OF THE SENATE (APPOINTED BY THE NPC), PRESUMABLY A NEAR IMPOSSIBLE TASK. THE JOINT SESSION PROPOSAL WILL ALSO ATTRACT CONSIDERABLE DEBATE AND OPPOSITION.

D) NO VOTE IS TAKEN FOLLOWING PRESENTATION OF A CABINET IN THE NA. NO VOTE IS TAKEN FOLLOWING GENERAL DEBATE. THIS PROVISION IS ALSO DESIGNED TO LIMIT THE ABILITY OF THE HOUSE OF REPS TO EXERCISE MUCH LEVERAGE ON THE CABINET, A CHRONIC PRACTICE DURING THE "DEMOCRATIC EXPERIMENT" WHICH ALSO CONTRIBUTED TO POLITICAL INSTABILITY.

4. THE DRAFT CONSTITUTION COVERS THE PROCESS OF APPOINTMENT OF THE PM IN ONLY SUMMARY FASHION, USING LANGUAGE IDENTICAL TO THAT IN THE 1974 CONSTITUTION. THE DRAFT CONSITUTION PROVIDES THAT, "THE KING APPOINTS THE PM AND NOT MORE THAN 34 OTHER MINISTERS TO CONSTITUTE THE CABINET HAVING THE DUTY TO CARRY OUT THE ADMINISTRATION OF THE STATE." THE 1974 CONSTITUTION HAD THE SAME LANGUAGE, EXCPET THAT IT PROVIDED FOR 30 "OTHER MINISTERS". NEITHER DOCUMENT INDICATES HOW THE KING IS EXPECTED TO CARRY OUT THE PROCESS OF APPOINTING THE PM AND CABINET. DURING THE "DEMOCRATIC EXPERIEMTN" THE KING CALLED FIRST ON THE LEADER OF THE POLITICAL PARTY HAVING THE LARGEST MEMBERSHIP IN THE HOUSE OF REPS, IN ACCORDANCE WITH GENERAL PARLIAMENTARY PRACTICE. IF THIS PRACTICE IS FOLLOWED AND THE DEMOCRATIC PARTY EMERGES AS THE LARGEST PARTY FROM THE GENERAL ELECTIONS, AS MOST OBSERVERS ANTICIPATE, THE LEADER

OF THE DEMOCRATIC PARTY WOULD BE APPOINTED PM AND ASKED TO  
FORM A CABINET. THIS WOULD PUT PM KRIANGSAK, AT PRESENT  
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WITHOUT A PARTY OR A POLITICAL BASE, OUT OF OFFICE, UNLESS  
HE CAN SOMEHOW ASSEMBLY A COALITION OF PARTIES OR MAKE OTHER  
POLITICAL ARRANGEMENTS.

5. THE DRAFT CONSTITUTION RAISES NUMEROUS QUESTIONS OF POLICY,  
BOTH CONSTITUTIONAL AND POLITICAL, AND THE PROCESS OF APPROVAL  
IS LIKELY TO BE A LENGTHY ONE. WHEN IT IS PUBLISHED, THE  
POLITICAL STRUGGLE WILL BE JOINED, AND THE ELECTIONS CAMPAIGN  
IN FACT WILL HAVE BEGUN.  
O'DONOHUE

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Draft Date:** 20 jun 1978  
**Decaption Date:** 01 jan 1960  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**Executive Order:** GS  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014